

The following comments were submitted by Delegate Bob Marshall, in reference to HB1557, for consideration at the September 16, 2013 meeting of the Governor's Task Force for School and Campus Safety:

As I write there is an active shooter situation at the Navy Yard in Washington DC just across the Potomac River from Reagan National Airport where initial police reports made to the Washington Post indicate that "two shooters, including one in fatigues, killed at least four people and wounded eight others at the Washington Navy Yard on Monday, throwing the region into fear and chaos as authorities tried to contain the incident."

I ask members of the Governor's commission to pray for the victims, their families, civilians and government workers at the Navy Yard, and the law enforcement officers charged with stopping or apprehending this wrongdoer.

I recognize there are no perfect law enforcement solutions to preventing all situations like the dreadful, murderous school shooting in Connecticut last year or at Columbine.

Virginia schools and others across the nation are declared under law to be gun free zones. Does this impede deranged individuals from perpetrating shootings? NO. In Beslan, Russia in September, 2004 a school hostage situation undertaken by Islamic militants resulted in the deaths of nearly 400 individuals, including 330+ hostages, among whom were nearly 190 school children.

The homeland of the United States is a target for such extremists. A CNN report for September 13, 2013 notes: "Ayman al-Zawahiri called on his followers in an audio message posted on the Internet on Thursday to "land a large strike on it, even if it takes years of patience for this. Al-Zawahiri has headed al Qaeda, since a U.S. military operation killed his predecessor and al Qaeda's founder, Osama bin Laden, in May 2011 in Pakistan. In his message, he claimed victory against the United States in Iraq and Afghanistan. He called on terrorists to continue the battle on American soil. **Al-Zawahiri named the Boston Marathon bombings on April 15 as an example of such an attack. He encouraged his followers to provoke the United States into spending more on security, in order to 'bleed America economically.'**"

A US House of Representatives Committee prepared a readiness report on US southern border vulnerabilities to terrorists entering the United States. Their report indicated: "The number of aliens other than Mexican ("OTMs") illegally crossing the border has grown at an alarming rate over the past several years. Based on U.S. Border Patrol statistics there were 30,147 OTMs apprehended in FY2003, 44,614 in FY2004, 165,178 in FY2005, and 108,025 in FY2006. Most of them were apprehended along the U.S. Southwest border.

... Since September 11, 2001 to the present hundreds of illegal aliens from special interest countries (such as Iran, Jordan, Lebanon, Syria, Egypt, Saudi Arabia, Kuwait, Pakistan, ... Russia, Yemen, Albania, Yugoslavia and Afghanistan) were apprehended within the South Texas region alone.

The data indicates that each year hundreds of illegal aliens from countries known to harbor terrorists or promote terrorism are routinely encountered and apprehended attempting to enter the U.S. illegally between Ports of Entry Statements made by high-ranking Mexican officials prior to and following the September 11, 2001 terrorist attacks indicate that one or more Islamic terrorist organizations has sought to establish a presence in Mexico. In May 2001, former Mexican National security adviser and ambassador to the United Nations, Adolfo Aguilar Zinser, reported, that “Spanish and Islamic terrorist groups are using Mexico as a refuge.”

Federal Bureau of Investigation Director Robert Mueller has confirmed in testimony “that there are individuals from countries with known al-Qa’ida connections who are changing their Islamic surnames to Hispanic-sounding names and obtaining false Hispanic identities, learning to speak Spanish and pretending to be Hispanic immigrants.” [A Line in the Sand, Confronting the Threat at the Southwest Border, prepared by Majority Staff, House Committee on Homeland Security, Subcommittee on Investigations, http://www.house.gov/sites/members/tx10_mccaul/pdf/Investigaions-Border-Report.pdf]

Uniformed, armed police in public schools are visible targets for hostile individuals. Recommending that only tax paid individuals are qualified to protect children complies with the al-Qa’ida tactic of bleeding our resources.

In the USA, the “**rescue invites danger doctrine**” of tort law holds that if a wrongdoer or tortfeasor produces or creates a circumstance that places the tort victim in danger, the tortfeasor is liable not only for the harm caused to the victim, but also the harm caused to any person injured in an effort to rescue that victim.

For example, if a compassionate person seeks to rescue a child from a swimming pool which has no fence around and suffers injury, then the owner of the swimming pool is liable for harm done to the rescuer who takes precautions to prudentially rescue the child because the owner has created a situation of danger which invites a response. This principle goes back to Justice Cardozo’s comments in a 1926 case (Wagner v. International Railway) “The cry of distress is the summons to relief [...] The emergency begets the man. The wrongdoer may not have foreseen the coming of a deliverer. He is accountable as if he had.”

While Virginia normally has to consent to being sued, what would public opinion conclude about present Virginia law which prevents individuals from defending themselves with a concealed carry weapon, such as was the case at Virginia Tech, if an individual sought recovery because the law now makes it illegal to defend yourself or even children under your charge with sufficient force to counter a school assault situation?

What will be the answer of the Governor's School Safety Task Force to an active shooter situation when a deranged individual or a terrorist is shooting children, teachers and school personnel? Will it be once again to wait many agonizing long minutes for the police to arrive and in the meantime offer no effective resistance to such a murderer who rapidly discharges his weapons when seconds count for saving the lives of innocent persons?

Perhaps you now know why I introduced HB 1557, and I ask for the Governor's School Safety Task Force to endorse HB 1557, or a measure substantially like it. Thank you.